

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

UNITED STATES OF AMERICA, for the  
Benefit of L & A CONTRACTING  
COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 2:07-cv-57(DCB)(JMR)

FEDERAL INSURANCE COMPANY, and  
BYRD BROTHERS, INC.

DEFENDANTS

ORDER

This cause is before the Court on defendant Byrd Brothers, Inc.'s motion in limine (**docket entry 65**). Having considered the motion and response, the Court finds as follows:

Byrd Brothers moves to preclude "any evidence, testimony or reference of any kind concerning the pecuniary condition of Byrd Brothers of Plaintiff, including, but not limited to, the relative financial size and success of each company, as well as the net and/or gross amounts of income and/or profits earned by Byrd Brothers or Plaintiff during the instant project." Motion in Limine, p. 1. The plaintiff agrees that the pecuniary conditions of Byrd Brothers and the plaintiffs should not be admitted into evidence. The plaintiff understands the motion not to seek preclusion of "the amount of money paid or received by each party in connection with the transactions which are the subject matter of this case, including, without limitation, the amount of money received by Byrd Brothers in connection with the first settlement agreement and general release executed on or about January 31, 2006." Response, p. 1. Byrd Brothers has not objected to the

plaintiff's interpretation. The motion in limine shall therefore be granted.

Byrd Brothers also moves to preclude "evidence, testimony, implication or reference of any kind that Byrd Brothers is a party to the October 9, 2005 Subcontract Agreement between the plaintiff and Ashbritt, Inc." Motion in Limine, p. 2. The plaintiff responds that it has no intention of making any such implication that Byrd Brothers was a party to said agreement. The motion in limine shall therefore be granted. Accordingly,

IT IS HEREBY ORDERED that defendant Byrd Brothers, Inc.'s motion in limine (**docket entry 65**) is GRANTED.

SO ORDERED, this the 16th day of June, 2009.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE